

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

RAUL URIARTE-LIMON, ) Case No. CV 16-0683-GW (AGRx)  
Plaintiff, ) FINDINGS, CERTIFICATION AND  
v. ) ORDER TO SHOW CAUSE  
KRYSTAL ENTERPRISES LLC, ) RE: CONTEMPT  
et al., )  
Defendants. ) Hearing: May 24, 2018  
                    Time: 8:30 a.m.  
                    Courtroom: 9D

This Court, being familiar with the record of this action, having presided over the calling of this matter for hearing on January 10, 2018, and having found good cause why these Findings, Certification and Order should issue:

#### **THE COURT FINDS THAT:**

1. Plaintiffs filed his complaint on February 1, 2016.
2. A proof of service was filed on April 5, 2016 indicating that Defendant Krystal Enterprises LLC (“Krystal”) was served with the summons, complaint and related documents on February 9, 2016 through its agent for service of process.
3. Default judgment was entered on March 28, 2017 in the amount of \$6,920. (Dkt. 7; see also Abstract of Judgment, Dkt. No. 20.)

1       4. Subsequently, Plaintiffs sought to conduct a Judgment Debtor Examination  
2 ("JDE") on Krystal's manager, Veronica Escamilla.

3       5. On August 11, 2017, this Court executed, filed and entered an Order to Appear for  
4 Examination to Ms. Escamilla, directing her to appear personally before this Court on  
5 November 7, 2017, at 10:00 a.m., in Courtroom B, Eighth Floor, of the above-captioned  
6 court, located at 312 North Spring Street, Los Angeles, California 90012, to answer questions  
7 concerning property subject to the judgment debtor's ownership and control. The Order  
8 stated, in pertinent part, as follows:

9              **NOTICE TO JUDGMENT DEBTOR**

10          If you fail to appear at the time and place specified in this order,  
11          you may be subject to arrest and punishment for contempt of court  
12          and the court may make an order requiring you to pay the  
13          reasonable attorney fees incurred by the judgment creditor in this  
14          proceeding.

15       6. According to the Proof of Service filed on October 31, 2017, Ms. Escamilla was  
16 personally served with the Order to Appear for Examination on August 29, 2017.

17       7. On November 7, 2017, this matter came on for hearing and judgment debtor  
18 examination pursuant to the Order to Appear for Examination. The case was called. Counsel  
19 for the Plaintiff appeared. Ms. Escamilla did not appear. As of 10:45 a.m., Ms. Escamilla  
20 still had not appeared and had not otherwise contacted the court.

21       8. On November 7, 2017, the Court issued an order continuing the JDE to January 10,  
22 2018 and ordering Ms. Escamilla to appear personally before the Court on that date to show  
23 cause why this matter should not be referred to the District Judge for contempt proceedings  
24 for her failure to appear at the JDE on November 7, 2017 and why the judgment debtor should  
25 not be ordered to pay Plaintiff's attorneys fees and costs associated with Ms. Escamilla's  
26 failure to appear on November 7, 2017. The Order stated, in pertinent part, as follows:

27              The judgment debtor is hereby advised that failure to appear at the  
28 time and place specified for the rescheduled examination may

subject her to arrest and punishment for contempt of Court, as well as additional costs for plaintiff's attorney's appearance at future hearings.

9. According to the Proof of Service filed on November 27, 2017, Ms. Escamilla was personally served with the Court's November 7, 2017 Order on November 16, 2017.

10. On January 10, 2018, this matter came on for hearing and judgment debtor examination pursuant to the Court's November 7, 2017 Order. The case was called. Counsel for the Plaintiff appeared. Ms. Escamilla did not appear. As of 10:35 a.m., Ms. Escamilla still had not appeared and had not otherwise contacted the court.

11. The failure of Krystal's manager, Ms. Escamilla, to appear on November 7, 2017 and January 10, 2018, at 10:00 a.m., in Courtroom B, Eighth Floor, of the above-captioned court, located at 312 North Spring Street, Los Angeles, California 90012, to testify in this action constituted acts in contempt of court.

NOW, THEREFORE, on the basis of the foregoing findings, and the record of this action,

PURSUANT TO 28 U.S.C. § 636(e)(6)(B)(iii), THE WITHIN MATTER IS HEREBY CERTIFIED to the Hon. George H. Wu, United States District Judge, for a hearing upon the order to show cause re: contempt set forth herein due to the failure to appear for examination on November 7, 2017 and January 10, 2018, pursuant to the aforesaid Orders for Appearance, and for Judge Wu to hear the evidence as to the acts or conduct complained of and, if it is such as to warrant punishment, to punish such person or entity in the same manner and to the same extent as for a contempt committed before a district judge; and

IT IS HEREBY ORDERED that Judgment Debtor Krystal Enterprises LLC's manager, Veronica Escamilla, appear personally before Hon. George H. Wu, United States District Judge, on May 24, 2018, at 10:00 a.m., in Courtroom 9D of the United States District Court located at 350 West 1st Street, Los Angeles, California 90012, and that she show cause, then and there, why it and/or she should not be adjudged in contempt of the Court, due to the failure to appear for examination pursuant to the aforesaid Orders for Appearance.

1 THE JUDGMENT CREDITOR MUST CAUSE THIS ORDER TO BE  
2 PERSONALLY SERVED ON JUDGMENT DEBTOR KRYSTAL ENTERPRISES LLC  
3 AND ITS MANAGER, VERONICA ESCAMILLA, NOT LESS THAN TEN (10) DAYS  
4 BEFORE THE DATE SET FOR THE ORDER TO SHOW CAUSE HEARING.

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7 DATED: April 9, 2018  
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*Alicia G. Rosenberg*

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ALICIA G. ROSENBERG  
United States Magistrate Judge